

IN THE SENATE

SENATE BILL NO. 1304

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO DRIVER'S LICENSES; AMENDING SECTION 49-307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PERMIT; AMENDING SECTION 49-310, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN APPLICATIONS; AND AMENDING SECTION 49-313, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RETAKING A TEST.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT ~~AND TEMPORARY PERMITS~~ -- CLASS D SUPERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit as provided in subsection (4) of this section.

(2) Every enrollee of a class D driver's training course shall pay a nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each fee so imposed shall be deposited in the driver training account, five dollars (\$5.00) shall be deposited in the state highway account, and five dollars (\$5.00) shall be deposited in the county current expense fund.

(3) Each enrollee of a class D driver's training course shall provide the type of information required for a driver's license or instruction permit. If an enrollee of a class D driver's training course cannot provide a certified copy of his birth certificate at the time of application for a permit, the department may issue a temporary class D driver's training instruction permit or a temporary class D instruction permit upon receipt of ~~both a photo identification and a letter from the school verifying the applicant's enrollment in a driver's training course~~ acceptable to the department. The certified copy of an applicant's birth certificate shall be required before a class D driver's license will be issued.

(4) The class D driver's training instruction permit shall expire five (5) days after the permittee's eighteenth birthday for permittees fourteen and one-half (14 1/2) years of age through seventeen and one-half (17 1/2) years of age. The class D driver's training instruction permit shall expire one hundred eighty (180) days from the date of issue for persons seventeen and one-half (17 1/2) years of age or older. Persons aged seventeen (17) years or older may attend classes or participate in driver's training instruction while operating with a class D instruction permit or a class D driver's training instruction permit.

(5) The class D driver's training instruction permit shall be issued to the instructor of the course.

1 (6) Class D supervised instruction permit.

2 (a) Upon successful completion of the class D driver's training course,  
3 the driver's training instructor shall submit the student log to the  
4 county driver's license office and give the class D driver's training  
5 instruction permit to the parent or legal guardian of the permittee, and  
6 the parent or legal guardian shall assume responsibility for ensuring  
7 that the permittee complies with the requirements of operating a vehi-  
8 cle with a class D supervised instruction permit. The class D driver's  
9 training instruction permit shall then serve as a class D supervised  
10 instruction permit.

11 (b) In the event the permittee reaches the age of seventeen (17) years  
12 while operating a class D vehicle with a class D supervised instruction  
13 permit, the supervised instruction permit shall become a class D in-  
14 struction permit.

15 (7) No permittee may apply for a class D driver's license sooner than  
16 fifteen (15) years of age and no sooner than six (6) months after completing a  
17 class D driver's training course, during which time the permittee shall sat-  
18 isfy all requirements for operation of a class D vehicle with a class D super-  
19 vised instruction permit as follows:

20 (a) The permittee shall not operate a vehicle unless he is accompanied  
21 by a driver who holds a valid driver's license, is twenty-one (21) years  
22 of age or older, and who is actually occupying a seat beside the permit-  
23 tee driver. The supervising driver and the permittee shall be the only  
24 occupants of the front passenger section of the vehicle.

25 (b) Over a period of time not less than six (6) months, the permittee  
26 shall accumulate at least fifty (50) hours of supervised driving time,  
27 ten (10) hours of which shall be during hours of darkness.

28 (c) The permit shall be in the permittee's immediate possession at all  
29 times while operating a vehicle.

30 (d) In addition to the permittee driver and the supervising driver, all  
31 other occupants of the vehicle shall wear a seat belt or be restrained by  
32 child passenger restraints as required by law.

33 (e) The permittee is subject to the provisions of sections 18-1502 and  
34 18-8004, Idaho Code, relating to violation of age restrictions on con-  
35 sumption of beer, wine, and alcohol and driving under the influence of  
36 alcohol, drugs or any other intoxicating substances, respectively.

37 (f) The permittee shall not have been convicted of any moving traffic  
38 violation, or have had driving privileges suspended by the department  
39 or the court for any offense, or found to be in violation of any of the  
40 restrictions on the class D supervised instruction permit, for a period  
41 of at least six (6) months from the date the driver's training instruc-  
42 tor gave the permit to the parent or legal guardian, or from the date a  
43 canceled class D supervised instruction permit was reissued, or until  
44 the permittee reaches seventeen (17) years of age.

45 (g) If the permittee is under seventeen (17) years of age and is con-  
46 victed of a violation of any traffic law, or section 18-1502, Idaho  
47 Code, or section 18-8004, Idaho Code, or section 23-949, Idaho Code,  
48 or is found to be in violation of any of the restrictions on the class D  
49 supervised instruction permit, the department shall cancel the class D  
50 supervised instruction permit, and the cancellation shall not be used

to establish rates of motor vehicle insurance charged by a casualty insurer. If the permittee is under seventeen (17) years of age, the permittee may reapply for and be issued a new class D supervised instruction permit upon payment of the appropriate fee, and shall again be required to operate with the class D supervised instruction permit for at least six (6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection (7).

(8) Upon completion of the requirements in subsection (7) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(9) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

(a) The person under sixteen (16) years of age has a valid class D driver's license; and

(b) Is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and

(c) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.

The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(10) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license. Any such licensee who is under the age of seventeen (17) years shall be required, during the first six (6) months from the date of issue of the class D driver's license, to limit the number of passengers in the vehicle who are under the age of seventeen (17) years to not more than one (1) such passenger. Provided however, the limit of one (1) passenger under the age of seventeen (17) years shall not apply to passengers who are related to the driver by blood, adoption or marriage.

SECTION 2. That Section 49-310, Idaho Code, be, and the same is hereby amended to read as follows:

49-310. APPLICATIONS OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS. (1) The application of any person under the age of eighteen (18) years for any class D instruction permit, restricted driver's license, restricted school attendance driving permit, driver training instruction permit or driver's license shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if both are living and have custody of him; or if either be dead, then by the surviving parent who has custody of him; or by the Idaho resident host of a foreign exchange student, or in the event neither parent is living, or if living and does not have the custody of the applicant, then by the person or guardian having such custody, with verifiable custody or guardianship documents, or by an

1 employer of the applicant. In the event there is no guardian or employer  
 2 then some other responsible person willing to assume the obligation for the  
 3 applicant may sign the application. Any person who signs the applicant's  
 4 application shall attest that the applicant is in compliance with the school  
 5 attendance provisions of section 49-303A, Idaho Code, ~~and when signing for~~  
 6 ~~a class D driver's training permit or a class D supervised instruction per-~~  
 7 ~~mit,~~. When the minor person applies for a class D driver's license, a parent  
 8 or guardian or a person authorized by the parent or guardian shall attest  
 9 that the minor person has satisfied the requirements and conditions applica-  
 10 ble to the class D supervised instruction permit pursuant to section 49-307,  
 11 Idaho Code, ~~when the minor person applies for a class D driver's license.~~ The  
 12 person willing to assume responsibility for the applicant must be at least  
 13 eighteen (18) years of age. When signing for a restricted school attendance  
 14 driving permit, the person signing the applicant's application shall at-  
 15 test that the conditions set forth within section 49-307A, Idaho Code, are  
 16 met. Each application for a restricted school attendance driving permit  
 17 shall also be signed by the local county sheriff, the president of the board  
 18 of trustees of the local school district, and the school principal of the  
 19 applicant's school, verifying that the conditions set forth within section  
 20 49-307A, Idaho Code, are met.

21 (2) Any negligence or willful misconduct of a person under the age of  
 22 eighteen (18) years when operating a motor vehicle upon a highway shall be  
 23 imputed to the person who signed the application of that person for a permit  
 24 or driver's license, and that person shall be jointly and severally liable  
 25 with the permit or driver's license holder for any damage caused by negli-  
 26 gence or willful misconduct, except as otherwise provided by law.

27 (3) In the event a permit or driver's license holder under the age of  
 28 eighteen (18) years maintains, or there is maintained upon his behalf, proof  
 29 of financial responsibility as required under the motor vehicle financial  
 30 responsibility laws of this state, or by the director if the form and amount  
 31 is not fixed by law, then the department may accept the application when  
 32 signed by one (1) parent or guardian of the applicant, and while that proof is  
 33 maintained the parent or guardian shall not be subject to liability for the  
 34 negligence or willful misconduct of the person under the age of eighteen (18)  
 35 years, as imposed under subsection (2) of this section.

36 (4) Any person who has signed the application of a minor for a permit or  
 37 driver's license shall be liable civilly for the payment of any court penalty  
 38 imposed because the minor has been found to have committed an infraction vi-  
 39 olation. The provisions of this section shall not apply or create any civil  
 40 liability for the person signing the application in connection with any  
 41 pedestrian or bicycle infraction, and provided this subsection shall not ap-  
 42 ply to any civil action where the plaintiff is other than the state of Idaho.

43 SECTION 3. That Section 49-313, Idaho Code, be, and the same is hereby  
 44 amended to read as follows:

45 49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or  
 46 authorized agents of the department shall examine every applicant for an  
 47 instruction permit, restricted school attendance driving permit, seasonal  
 48 driver's license, driver's license or a motorcycle endorsement, except as  
 49 otherwise provided by law. The examination shall include a vision screening

1 and a test of the applicant's ability to read and understand highway signs  
 2 regulating, warning, and directing traffic. A skills test shall be required  
 3 for an applicant who has not been previously licensed for the class of li-  
 4 cense requested, or who holds a license issued by another country unless a  
 5 reciprocal agreement is in force. However, a skills test may be required for  
 6 any and all other applicants at the discretion of the examiner or department  
 7 for a class A, B, C or D driver's license or a motorcycle endorsement. In  
 8 addition, the applicant's knowledge of traffic laws of this state and when  
 9 a motorcycle endorsement is applied for, the applicant's knowledge of safe  
 10 motorcycle operating practices and traffic laws specifically relating to  
 11 motorcycle operation shall be tested by a written examination, except as  
 12 provided in section 49-319, Idaho Code. At the discretion of the examiner,  
 13 the prescribed written examination may be conducted orally.

14 (2) The knowledge and skills examinations for applicants for driver's  
 15 licenses in class A, B or C shall be conducted in compliance with 49 CFR part  
 16 383.

17 (3) The skills test for a class A, B, C or D driver's license or for any  
 18 endorsement shall be given by the department or its authorized agents. The  
 19 skills examiner for a motorcycle endorsement shall be certified by the divi-  
 20 sion of professional-technical education.

21 (4) The department shall not issue the following endorsements except as  
 22 provided:

23 (a) A tank, double/triple trailer, or hazardous material endorsement  
 24 unless the applicant, in addition to all other applicable qualifica-  
 25 tions, has passed an appropriate knowledge test.

26 (b) A passenger endorsement unless the applicant, in addition to all  
 27 other applicable qualifications, has passed an appropriate knowledge  
 28 and skills test.

29 (c) A school bus endorsement unless the applicant, in addition to all  
 30 other applicable qualifications, has passed appropriate knowledge and  
 31 skills tests. Until September 30, 2005, the department may waive the  
 32 school bus endorsement skills test requirement if the applicant meets  
 33 the conditions set forth in accordance with 49 CFR part 383.123.

34 (5) Any person failing to pass a knowledge or skills test for a class  
 35 A, B, C or D driver's license, or a knowledge test for a seasonal driver's  
 36 license, or any endorsement may not retake the test within three (3) business  
 37 calendar days of the failure.

38 (6) Any person retaking a knowledge or skills test for a driver's li-  
 39 cense shall pay the appropriate testing fee as specified in section 49-306,  
 40 Idaho Code.

41 (7) The motorcycle skills test for a motorcycle endorsement shall be  
 42 waived by the department:

43 (a) On and after September 1, 1998, if the applicant presents satisfac-  
 44 tory evidence of successful completion of a recognized motorcycle rider  
 45 training course approved by the division of professional-technical ed-  
 46 ucation;

47 (b) On and after September 1, 1998, if the applicant presents evi-  
 48 dence of a motorcycle endorsement on his current license by a state or  
 49 province which requires a motorcycle skills test equivalent to that re-

1        quired by Idaho law as determined by the division of professional-tech-  
2        nical education;

3        (c) Until September 1, 1998.

4        (8) At the discretion of the department, an alternate skills test for  
5        the motorcycle endorsement may be administered when the endorsement is for  
6        operation of a three-wheeled motorcycle only.

7        (9) The department or its authorized agents may refuse to give an appli-  
8        cant a skills test if there are reasonable grounds to believe that the safety  
9        of the applicant, public, or the examiner would be jeopardized by doing so.  
10       Reasonable grounds would include, but not be limited to, the applicant's in-  
11       ability to pass the vision screening, written tests, or a statement by a li-  
12       censed physician stating the applicant is not physically able to drive a mo-  
13       tor vehicle.

14       (10) The department or its authorized agents may deny issuance or re-  
15       newal of a driver's license or endorsement to any applicant who does not meet  
16       the licensing requirements for the class of driver's license or endorsement  
17       being renewed or issued.

18       (11) Skills examinations for seasonal driver's licenses shall be  
19       waived.